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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

ANTHONY CHARLES MURPHY,

Plaintiff,

v.

STG. D. ROBERTS; LT. TRAVIS GIVENS,

Defendants.

**DECLARATION OF TRAVIS
GIVENS**

Case No. 2:19-cv-00852-JNP

Judge Jill N. Parrish

I, Travis Givens, hereby submit this *Declaration* as part of the court-ordered Martinez *Report* in this case:

1. I am a named defendant in the above captioned matter and this *Declaration* is based upon my personal knowledge.
2. At all relevant times, I was a Duchesne County Deputy Sheriff assigned to work as a corrections officer in the Duchesne County Jail (“Jail”).
3. At the time of my involvement with inmate Anthony Charles Murphy (“Murphy”) I held the rank of Lieutenant and was the Jail Commander.

4. As Jail Commander, part of my duties included serving in a quasi-judicial capacity to review appeals by inmates from disciplinary sanctions imposed upon them.

5. I, in fact, did hear and decide the appeal lodged by inmate Murphy from his conviction for engaging in fighting or horseplay in violation of Jail Policy B02.

6. As part of my review of Murphy's conviction, I did review and consider the findings of the Inmate Disciplinary Hearing Officer, Sergeant Daniel Roberts, which is filed of record in this case as Exhibit N in the *Appendix* to the court-ordered *Martinez Report*.

7. As part of my review of Murphy's conviction for fighting in violation of Jail Policy B02, I also reviewed and considered Murphy's appeal from that conviction, including the arguments made by him in support of his appeal, which are also filed of record in this case as Exhibit R in the *Appendix* to the court-ordered *Martinez Report*.

8. Having reviewed and considered the evidence, including the arguments advanced by Murphy in support of his appeal, on August 14, 2019 I issued my written decision denying Murphy's appeal and affirming both his conviction and the sanctions imposed upon him by Inmate Disciplinary Hearing Officer Roberts as a result of that conviction.

9. My written decision was served upon Murphy, and a copy is likewise filed of record in this case as Exhibit S in the *Appendix* to the court-ordered *Martinez Report*.

10. As stated in my written decision, I denied Murphy's appeal because his right to due process was not violated, Inmate Disciplinary Hearing Officer Roberts' findings were substantially supported by the requisite "some evidence" standard of proof, and the disciplinary sanctions imposed upon Murphy by Roberts were neither unconstitutionally harsh nor unreasonably light insofar as they fit well between the minimum and maximum allowed.

11. As is stated in my written decision, I refused to refer Murphy's appeal to an Administrative Law Judge for further review because he had received due process, Inmate Disciplinary Hearing Officer Roberts' *Findings* were based on a proper standard of proof, and the sanctions imposed upon Murphy as a result of his having been found "guilty" of "fighting" in violation of Jail Policy B02 were neither unconstitutionally harsh nor unreasonably light.

12. Murphy could have appealed and/or grieved my decision not to refer his appeal to an Administrative Law Judge for additional review to Duchesne County Sheriff, Dave Boren, but he did not do so.

13. It is my understanding that Murphy may have elected to forego an appeal to Sheriff Boren from my decision not refer his appeal to an Administrative Law Judge for additional review because two-weeks earlier on, July 30, 2019, as a result of his fight with inmate Melvin Whipple, Murphy had been charged by the State of Utah with the crime of assault by a prisoner in violation of U.C.A. § 76-5-102.5, a third degree felony.

I further declare under penalty of perjury that the that the foregoing statements are true and correct to the best of my knowledge.

Executed in Duchesne County, Utah on this 7th day of February 2022.

/s/ Travis Givens
Travis Givens
Original signature in file

CERTIFICATION

I, Jesse C. Trentadue, hereby certify that I have the signed original of this document which is available for inspection during normal business hours by the Court or a party to this action.

Dated this 7th day of February 7, 2022.

/s/ jesse c. trentadue

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 7th day of February, 2022 I electronically filed the foregoing **DECLARATION OF TRAVIS GIVENS** with the Clerk of the Court using the ECF filing system, and mailed a copy, postage prepaid, to:

Anthony Charles Murphy
Utah State Prison
Inmate No. 224574
P.O. Box 250
Draper, Utah 84020
Pro Se Plaintiff

/s/ jesse c. trentadue